

maintenance and education, are to be regarded as proper applications thereof. But as it appears to have been the intention of the testatrix, that no part of the capital or principal of the property bequeathed shall be so applied to the use of the said Mary or her children, the Auditor will charge each of the children with so much of such principal as he or she may have received, and award to him or her nothing, until the other children may have awarded to them an equal amount from the estate now to be distributed. So much of the rents, profits, interest or dividends of the estate as accrued and became demandable and payable to the said Mary, for the use of herself and her infant children, during her lifetime, and which were not paid to her, must be awarded to her husband, the said James Conner. Subject to such directions, a distribution of the whole estate is to be now made among the children of the said Mary, who were alive at the time of her death, and of such of them, if any, who may have died before that time leaving issue. The present trustee is hereby allowed a commission of six per cent. on all sums collected and disbursed by him, and the Auditor is hereby directed to state an account in the manner before mentioned, showing the amount now in his hands, to the end that the same may be brought in or disposed of as the court may direct, and the said trustee discharged. And the parties are hereby authorized to take testimony in relation to said accounts before any justice of the peace, on giving three days notice as usual, provided that such testimony be taken and filed in the chancery office on or before the first day of January next."

The result of the account stated by the Auditor, in conformity with the above order, was that the whole of the stock which had been invested for the benefit of Mrs. Conner was distributed amongst the three surviving children by Conner, giving to each \$2,872 66 $\frac{2}{3}$.

Benjamin Ogle, the trustee and executor named in the will of the testatrix, died in April, 1844, leaving a will, by which he devised a life estate to his widow, Anna Maria Ogle, in all his real and personal estate, and after her death the same to be